

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

**Catherine Willis,
Debtor.**

**Chapter 13 Case
07-10032**

**Catherine Willis and
Jan M. Sensenich, Esq., Trustee,
Plaintiffs,**

v.

**Countrywide Home Loans, Inc.,
Defendant.**

**Adversary Proceeding
07-1008**

*Appearances: David W. Lynch, Esq.
David W. Lynch, Esq., PC
Colchester, VT
For the Plaintiffs*

*Jan Sensenich, Esq.
Chapter 13 Trustee
White River Jct., VT
Trustee, Pro Se*

*Jennifer Emens-Butler, Esq.
Obuchowski & Emens-Butler
Bethel, VT
For the Defendant*

ORDER

**Granting Plaintiffs' Motion for Summary Judgment and
Denying Defendant's Cross-Motion for Summary Judgment**

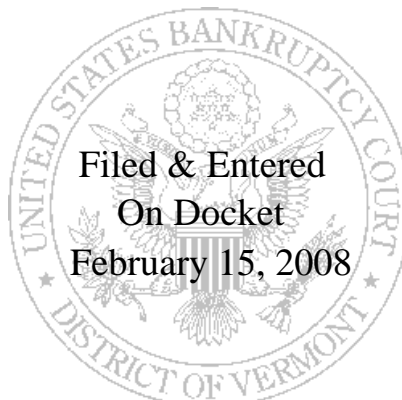
For the reasons set forth in the Memorandum of Decision of even date, the Court finds that the Debtor's mortgage deed has a fatally defective acknowledgement and failed to provide constructive notice. Consequently, the mortgage deed may be avoided by the Trustee under 11 U.S.C. § 544.

Therefore, IT IS HEREBY ORDERED that the Plaintiffs' motion for summary judgment is granted; and

IT IS FURTHER ORDERED that the Defendant's cross-motion for summary judgment is denied.

SO ORDERED.

February 15, 2008
Rutland, Vermont



Colleen A. Brown
United States Bankruptcy Judge